

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4449

Introduced by the **Honorable Precious Hipolito Castelo**

EXPLANATORY NOTE

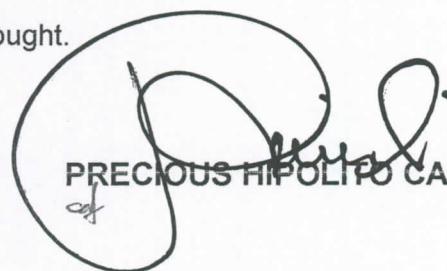
The Philippines ranks second in the world with the lowest sexual consent – only beating Nigeria whose age of sexual consent was set in 2015 at eleven (11) years old.¹

Consent is supposed to be freely and intelligently given. It is hard to imagine how a 12-year old child can already have a proper understanding of what a sexual intercourse is. Given the conservative nature of our society, adults are also often reluctant to educate their children about sex. This contributes to the lack of awareness of children regarding this matter.

In our present laws, a person who rapes a child whose age is above 12 years old but below 18 cannot be charged with statutory rape. Official data show that majority of victims of rape are aged 13-15 years old.² Thus, it is clearly undeniable that there is a disconnect between statistics and the intent and the spirit of the law to penalize the barbaric act of statutory rape. Given the vulnerability of minors to sexual predators, it is only right and just to amend the law by increasing the age of sexual consent under the Revised Penal Code.

In my humble opinion, the amendment of this law is long overdue. Rape physically, socially, emotionally, and psychologically takes a toll on the victim. The effect on children is obviously greater since the emotional burden is carried by them for the rest of their lives.

Thus, the passage of this bill is most earnestly sought.


PRECIOUS HIPOLITO CASTELO

¹ <https://medium.com/@munyalekwabe/child-protection-age-of-consent-in-nigeria-d144eaa8dd15>

² <https://www.pcw.gov.ph/wpla/amending-anti-rape-law>

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AN ACT
INCREASING THE AGE OF SEXUAL CONSENT FOR STRONGER PROTECTION OF CHILDREN AND AMENDING FOR THE PURPOSE ARTICLE 266-A (d) OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 266-A (d) of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“Article 266-A. Rape, When and How Committed. Rape is committed –

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

XXX

(d) When the offended party is under [twelve (12)] **EIGHTEEN (18)** years of age, or is demented, even though none of the circumstances mentioned above be present.”

SEC. 2. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 3. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 4. Effectivity. – This Act shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation or in the Official Gazette.

Approved,